IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Haseeb Akhtar	§	Art Unit:	2617
		§		
Serial No.:	10/591,227	§	Examiner:	Sarwat Chughtai
		§		
Filed:	08/31/2006	§	Conf. No.:	6645
		§		
For:	PRE ALLOCATING RESOURCES OF A WIRELESS NETWORK FOR PACKET-SWITCHED REAL TIME, INTERACTIVE COMMUNICATIONS	§ § § § §	Atty. Dkt. No.:	16853RRUS06N (NRT.0132US)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

INDEPENDENT CLAIMS 1, 19

Claim 1 recites a method of communicating in a wireless network, comprising:

> pre-allocating, to a packet-switched real-time, interactive communications application, resources of at least one node of the wireless network, the pre-allocated resources comprising resources normally allocated in response to a call setup request, wherein the pre-allocated resources include resources relating to a link with a predetermined quality of service, wherein the pre-allocating is performed by a system having a processor, and the pre-allocating includes storing a pointer associated with a particular mobile station or a particular group of mobile stations, where the pointer indicates that the pre-allocated resources are useable by the particular mobile station or particular group of mobile stations for call setup;
>
> receiving, from the particular mobile station or a member of the particular group of mobile stations, a first call setup request after pre-allocating the resources; and

establishing, in response to the first call setup request, a packet-switched real-time, interactive communications session through the wireless network using the pre-allocated resources of the at least one node.

It is respectfully submitted that the obviousness rejection of claim 1 over Welch and Farhoudi is clearly erroneous.

The Office Action conceded that Welch fails to disclose the "pre-allocating" clause of claim 1. 11/10/2010 Office Action at 3-4. Instead, the Office Action cited Farhoudi as purportedly disclosing the claimed subject matter.

As purportedly disclosing the "receiving" and "establishing" elements of claim 1, the Office Action cited the following passage of column 10 in Welch: column 10, lines 45-54. *Id.* at 3. This passage of Welch refers to a station receiving a user request to initiate a media session, such as a PTT session. Welch, 10:45-48. In response, the station begins acquiring a data connection, such as a radio link and data link. *Id.*, 10:48-50. The station then determines that it has successfully acquired a data connection, and the station begins receiving media from the user and buffering the media for subsequent transmission. *Id.*, 10:50-54.

It is clear that the session set up performed in Welch does not use pre-allocated resources of a node of a wireless network, as recited in claim 1. For the purpose of performing session setup, Welch would have led a person of ordinary skill in the art to performing session setup in which resources are allocated after the setup request has been received.

The second reference, Farhoudi, clearly does not provide any hint that would have led a person of ordinary skill in the art to claimed subject matter that does not exist in Welch. In the rejection, it appears that the Office Action had equated the "pointer" of claim 1 (where the pointer of claim 1 is associated with a particular mobile station or a particular group of mobile stations, and where the pointer indicates that the pre-allocated resources are usable by the particular mobile station or particular group of mobile stations for call setup) with the cell ID and the session ID discussed in Farhoudi. 11/10/2010 Office Action at 4-5. Farhoudi relates to push-to-talk over cellular (PoC) data communications, in which a sending mobile unit sends packets to receiving mobile units. Farhoudi, ¶¶ [0019], [0049]. To improve efficiency, Farhoudi states that receiving mobile units that are in the same cell (as identified by a particular cell ID) and in the same session (as identified by a particular session ID) can receive packets over a single dedicated channel. *Id.*, ¶¶ [0051], [0055].

Importantly, note that the sending of packets from the sending mobile unit to the receiving mobile units occur **during** a PoC session. *See, e.g., id.*, ¶ [0049]. What this means is that the session has already been set up. Thus, the dedicated channel discussed in Farhoudi for sending packets from a sending mobile unit to receiving mobile units that are in the same cell and in the same communications session is in the context of sending traffic **after** call setup. Therefore, the dedicated channel of Farhoudi cannot be the pre-allocated resources of claim 1, since the pre-allocated resources of claim 1 are usable by a mobile station or group of mobile stations for **call setup**. In fact, as recited in claim 1, a first **call setup request** is received from the particular mobile station or a member of the particular group of mobile stations after pre-allocating the resources, and in response to the first **call setup request**, a packet-switched real-time, interactive communications session is **established** through the wireless network **using the pre-allocated resources** of the at least one node. Thus, claim 1 makes clear that the pre-allocated resources are used for establishing a communications session in response to a call setup request. In contrast, Farhoudi discloses a dedicated channel that is used for sending packets from a sending mobile unit to receiving mobile units, **after** session setup has already occurred.

Since Welch is completely silent on using pre-allocated resources for call setup, and since the dedicated channel of Farhoudi is not used for call setup, it is clear that even if Welch and Farhoudi could be hypothetically combined, the hypothetical combination of Welch and Farhoudi would not have led to the subject matter of claim 1. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Welch and Farhoudi, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of the references to achieve the claimed subject matter.

Therefore, it is respectfully submitted that the obviousness rejection of claim 1 over Welch and Farhoudi is clearly erroneous.

Independent claim 19 is allowable over Welch and Farhoudi for similar reasons as claim 1.

INDEPENDENT CLAIM 13

The obviousness rejection of claim 13 over Welch and Farhoudi is also erroneous. Note that claim 13 recites pre-allocating call setup resources, where the pre-allocated call setup resources include a pre-allocated Internet Protocol (IP) route having a particular quality service.

The Office Action conceded that Welch fails to disclose pre-allocating call setup resources. 11/10/2010 Office Action at 6. Instead, the Office Action cited Farhoudi as purportedly disclosing the claimed subject matter.

It is clear that Farhoudi provides no hint of pre-allocating call setup resources that include a pre-allocated IP route having a particular quality of service. Note that in Farhoudi, a dedicated channel is provided to allow for point-to-multipoint transmission of data to mobile units in a cell. Farhoudi, ¶ [0055]. Examples given of such dedicated channel include physical channels or sub-channels, or time slots. *Id.* It is clear that the dedicated channel of Farhoudi is a wireless network resource. There is absolutely no hint whatsoever of pre-allocating call setup resources that include a pre-allocated **IP** route.

Although ¶ [0057] of Farhoudi refers to an IP address, it is noted that this IP address is the identifier of a mobile station. The reference to an IP address to use for identifying a mobile station does not provide any hint of pre-allocating call setup resources including a pre-allocated IP route, as claimed.

Moreover, it is also clear that the dedicated channel of Farhoudi is used for sending packets from a sending mobile unit to receiving mobile units in the same cell and in the same session, after session setup has already occurred. Therefore, the dedicated channel of Farhoudi cannot be the call setup resources of claim 13, where these call setup resources are used for setting up a packet-switched real-time, interactive communication session using the pre-allocated call setup resources, **in response to the call setup request**. In view of the foregoing, it is clear that even if Welch and Farhoudi could be hypothetically combined, the hypothetical combination of references would not have led to the subject matter of claim 13. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Welch and Farhoudi, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Welch and Farhoudi to achieve the subject matter of claim 13.

The obviousness rejection of claim 13 is therefore clearly erroneous.

CONCLUSION

Dependent claims are allowable for at least the same reasons as corresponding base claims. Withdrawal of the final rejection and allowance of all claims are therefore respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (16853RRUS06N).

Respectfully submitted,

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/Dan C. Hu/

Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883